

Dracut Conservation Commission
Minutes of August 24, 2016
Harmony Hall

Commissioners Present: Victor Olson, John Hassan, Michele Grenier, Conservation Agent Lori Cahill and Recording Secretary Cyndy Alexander

Commissioners Absent: Stephen Graham, James Jendro

Opened the meeting at 7:00 p.m.

Approval of Minutes: Minutes to be approved at next meeting.

Correspondence pertinent to tonight's meeting:

- DEP Comments – None
- Soil Test results for Sophia Drive Certificate of Compliance
- Town Engineer Drainage Structure Review – Sophia Drive
- Resignation letter from Michele Grenier

Continuance of Certificate of Compliance: Sophia Drive #145-541 Mr. Steven Eriksen of Norse Environmental Services explained that he had just received a letter from Mark Hamel, Town Engineer with his review of the drainage structures. Mr. Hamel has some minor concerns that will need to be addressed before moving forward. Mr. Hamel wants verification that it meets 80% removal of suspended solids. The replication area was completed a little larger than requested but also a little shallower than expected so Mr. Hamel wants verification that it will work. Mr. Eriksen will get that information. Mr. Hamel noted a discrepancy in an elevation on the plans, Mr. Eriksen stated that was a typographical error. Mr. Eriksen would like to continue on to the next meeting and will address all of these concerns at the next meeting. Ms. Michele Grenier made a motion to continue to the next meeting on 9/7/16. The motion was seconded by Mr. John Hasson. Motion passed unanimously.

7:10 Public Hearing: Continuance of NOI: Sophia Drive #145-1023: Mr. Victor Olson states that this public hearing will not be heard during this meeting as it is directly connected to the above Certificate of Compliance for #145-541 which has been continued. Motion made to continue to the next meeting on 9/7/16 by Ms. Grenier. The motion was seconded by Mr. Hasson. Motion passed unanimously.

7:15 Public Hearing: Continuance of RDA: 600 Pelham Rd: Mr. Victor Olson states that this public hearing will not be heard during this meeting as it is directly connected to the above Certificate of Compliance for #145-541 which has been continued. Motion made to continue to the next meeting on 9/7/16 by Ms. Grenier. The motion was seconded by Mr. Hasson. Motion passed unanimously.

7:20pm Public Hearing: RDA: 29 Myron Street: Filing by Mr. Christopher Capone to build a deck off the back of his residence. The deck would be within the 100 foot buffer zone of a wetland. Mr. Capone presented photos and maps to each board member. Ms. Grenier asked if it would be a raised deck. Mr. Capone stated it would be 7 feet off the ground and 12' off the house. The deck will be 20' x 12' and 4 sonar tubes will be installed. Mr. Capone will be drilling by hand. There is an existing lawn. Mr. Hassan made a motion to issue a Negative 3. Ms. Grenier seconded the motion. Motion passed unanimously.

Certificate of Compliance: 90 Sue Ann Drive #145-321: For the record, Mr. Olson noted that he used to be an abutter to this property but moved away over one year ago. Mr. Steven Eriksen of Norse Environmental Services explained this sub-division was originally approved in 1995. The builder of this sub-division never applied for a Certificate of Compliance. This house is over 100 feet from the wetland, it is stabilized and has been done since 1996. Mr. Eriksen is asking for a Partial Certificate of Compliance just to release this one property. Conservation Agent Lori Cahill recommends approval. Mr. Hassan made a motion to issue a Partial Certificate of Compliance. Ms. Grenier seconded the motion. Motion passed unanimously.

Certificate of Compliance: 64 Redgate Road Lot 8 #145-578: Mr. Steven Eriksen of Norse Environmental Services explained this sub-division was originally approved a very long time ago, similar to 90 Sue Ann Drive #145-321. The Order of Conditions for this project applied to every dwelling and all the roadways. All of the work on this house was well outside the buffer zone and never should have been under the Order of Conditions to begin with. Conservation Agent Lori Cahill recommends approval. Ms. Grenier made a motion to issue a Certificate of Compliance. Mr. Hassan seconded the motion. Motion passed unanimously.

Certificate of Compliance: 3 Boxwood Circle #145-641 Mr. Steven Eriksen of Norse Environmental Services is requesting an Enforcement Order with a request to replicate a wetland area with a two year growing season. Ms. Cahill explained that this property is next door to 1 Boxwood where the wetland had been filled and this is the same situation except the house has been sold. Based on the plans Mr. Eriksen brought to the meeting, he explained the former wetland boundary lines and compared the current existing wetland boundaries which show where it was filled in. None of this work was done by the current homeowner. The current homeowner recently purchased the property and cannot get a Certificate of Compliance because of this issue. Mr. Eriksen is proposing to provide a replication area to compensate for the lost wetland area. Mr. Hassan asked if this house was sold without a Certificate of Compliance. Mr. Eriksen explained that this is the third time it was sold and the builder has passed away. Ms. Grenier stated she would want the replication area to be contiguous and not separated as shown on Mr. Eriksen's plans. Mr. Eriksen said he could do that. Mr. Eriksen is requesting the Enforcement Order now to allow for the growing season rather than filing a Notice of Intent which could take two months to get approved and they would miss the growing season. There was some discussion about requiring a Notice of Intent as well as the Enforcement Order and Mr. Olson determined a Notice of Intent is not necessary. Ms. Cahill has also requested that permanent "no disturb area" visible markers be installed to show the wetland area. Mr. Olson wants two "no disturb area" signs installed. Motion made by Mr. Hassan to issue Enforcement Order to replicate with a two year growing season and at least two signs installed. Ms. Grenier seconded the motion. Motion passed unanimously. Motion by Ms. Grenier to shelf the request for Certificate of Compliance for the Enforcement Order for two growing seasons. Mr. Hassan seconded the motion. Motion passed unanimously.

Certificate of Compliance: 141 Cart Path Rd #145-868: Mr. Olson noted that Conservation Agent Lori Cahill recommends approval for this Certificate of Compliance. Mr. Steven Eriksen of Norse Environmental Services notes that this house is complete and the lawn is stabilized. On the plans, Mr. Eriksen shows that it is 60 feet from the wetland, the driveway is 1,604 feet and the walkway is 1,552 feet. The only difference is there is a walkway in the front and in the back. Mr. Eriksen presented a letter from Mark O'Hara signifying substantial compliance with the plan. Mr. Olson asked if the replication area was off the property and Mr. Eriksen said yes. Mr. Hassan

made a motion to issue a Certificate of Compliance. Ms. Grenier seconded the motion. Motion passed unanimously.

Certificate of Compliance: 522 Mammoth Rd #145-942: Mr. Olson made a motion to take this filing out of order. Ms. Grenier seconded the motion. Motion passed unanimously. Conservation Agent Lori Cahill recommends approval. Mr. Olson states that this filing is for Skyline Apartments and its removal of bituminous walkways. Mr. Jim White from H.W. Moore Associates states that all work was completed in 2014 and the lawn is stabilized. Mr. White showed the Commission the proposed plans and the as-built plans. Ms. Grenier made a motion to issue the Certification of Compliance. Mr. Hassan seconded the motion. Motion passed unanimously.

Certificate of Compliance: 1560 Mammoth Rd #145-557: There was no one present for this filing. Ms. Cahill explained this was for the infrastructure of the sub-division, 20 lots were given Partials a while ago because they were not within the 100 foot buffer zone. There is a letter and plans from Richie Alleca requesting the Certificate of Compliance for the roadway and infrastructure. Mr. Olson read aloud the letter from Mr. Alleca which states everything is in compliance and disturbed areas are stabilized. Mr. Hassan made a motion to issue the Certificate of Compliance. Ms. Grenier seconded the motion. Motion passed unanimously.

Certificate of Compliance: 145 Belleview Avenue #145-958: There was no one present for this filing. Ms. Cahill stated that there are some minor differences on the plan but it doesn't appear to have any impact on the wetland. Mr. Hassan made a motion to issue the Certificate of Compliance. Ms. Grenier seconded the motion. Motion passed unanimously.

Enforcement Order Update: 100 Cottonwood Drive: Ms. Cahill states she has not been out to that property for a while. She states that she is aware that the homeowner is working with Mr. Eriksen and there has been some progress.

Old Business: National Grid/VHB #145-1007 Project Update: Ms. Cahill stated for the record that she is a direct abutter to this project but since the permitting has been completed she has participated in a department head meeting with National Grid/VHB. Mark Bergeron, Project Manager with VHB and with him his Josh Holden of National Grid Environmental Department. Mr. Bergeron begins his update by stating that mowing and tree clearing has begun on 8/15/16 and should go until 9/8/16. VHB is working with the forestry group to ensure wetland compliance. They will reflag/refresh the flags in the wetland area in late September/early October once the forestry work is completed. National Grid is still working on finalizing a contractor. In early October VHB expects to have a transmission contractor on board and activities to start. The wetland areas to be completed in the springtime of 2017 so they can do the grading and planting. As per one of the Conditions set by the Commission, Standard #2, VHB is providing the proper contact information for permit compliance. As they add inspectors or make changes they will advise the Commission and provide updates. Following the tree removal and mowing and prior to the kick off of the contractor VHB will need to schedule a site visit and a pre-construction meeting with the Commission. They estimate that to be sometime in mid to late September of this year. Mr. Bergeron said they want to find the best way to communicate everything to the Commission. They want to know who should receive the monthly reports and who should be added to the distribution list. Mr. Olson and Ms. Cahill agree to have the reports sent the Conservation office at Town Hall and her office would maintain hard copies of all reports received. Mr. Bergeron stated they are currently doing daily reports and compiling those into one weekly report. Mr. Bergeron stated that when speaking with National Grid's legal counsel they indicated that they felt since Ms. Cahill is a direct abutter that they could not directly

communicate with her. Ms. Cahill said that was during the permitting process and she agreed with that but now since all permitting is complete and the project is moving forward she didn't think it was an issue. She also mentioned that she knew Mr. James Duggan, Town Manager also wants copies of all reports. Mr. Holden asked how he should send the reports, email or mail them. Ms. Cahill said to email them. Mr. Holden also reiterated that the attorney for National Grid said not to communicate with Ms. Cahill directly. Ms. Cahill said to send reports directly to Jim Duggan. Ms. Cahill said that if National Grid doesn't want to communicate with her she will recuse herself from this project and that they may have to find an external representative at the expense of National Grid. Mr. Bergeron said he would go back and talk to legal counsel. Mr. Holden wanted to clarify that he wanted to know who he would schedule project meetings with for the Commission. Ms. Grenier said to contact the Secretary. Mr. Holden agreed. Mr. Olson asked that they provide a week's notice for the meeting time to ensure there will enough people to attend from the Commission. Ms. Cahill then said she would recuse herself from this entire project since National Grid is saying not to include her in the pre-construction meeting and not to talk to her then someone from Conservation will have to be there. Ms. Grenier offered to attend and take notes. Mr. Olson states that some of the issues will involve the Conservation Agent and they would need to decide if they would need a surrogate agent to cover those matters and that there would be some fees associated with that at National Grid's expense. Mr. Olson asked who the first point of contact would be and Mr. Bergeron said that would be Mr. Holden. Mr. Olson pointed out that VHB did provide a contact list to the Board and that the first point of contact would be Mr. Joshua Holden, Environmental Scientist for National Grid. Ms. Cahill inquired as to whether or not the VHB/National Grid reports could be sent electronically to the Admin and then be filed in the office. Ms. Cahill asked Mr. Bergeron to speak with his legal counsel to advise if the reports can be filed electronically with Cyndy Alexander, Conservation Administrative Assistant. Mr. Bergeron stated he would check. Mr. Holden said the duration of the project would be from now until December 2017.

Additional Old Business: Some Minutes from previous meetings required some signatures and those Minutes would be added to the Signings.

New Business: None


Informal Discussion: Mr. Hassan indicated he would be unable to join the September 7, 2016 meeting. Mr. Olson noted that someone should speak with Mr. James Jendro and Mr. Stephen Graham to make sure they are available so that there is a quorum for that meeting. Ms. Cahill expressed her concern as to how hard this is for the same three who typically do attend these meetings and that she would like to add 2 or 3 more people to the Commission. Ms. Cahill was asked if she has advertised those positions and she said she has in the past and has it posted on the Town Website and it's announced at every Selectman meeting as well. Ms. Cahill said that if anyone on the Board knows of anyone who might be interested to have them call her.

Adjourn: Motion made by Mr. Hassan to adjourn. Motion seconded by Ms. Grenier. Motion passed unanimously.

Signings:

Next meetings scheduled are: Wednesday, September 7, 2016 at Town Hall and Wednesday, September 21, 2016 and Wednesday, October 5, 2016 and Wednesday, October 19, 2016 at Town Hall.

Meeting adjourned at 7:56 p.m.



Victor Olson, Chairman

John Hassan

Michele Grenier

Cyndy Alexander
Recording Secretary

ABSENT

Stephen Graham

ABSENT

James Jendro